



## Nigeria

### Country Reports on Human Rights Practices - [2003](#)

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Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature drawing their authority from the 1999 constitution. In April, President Olusegun Obasanjo of the Peoples Democratic Party (PDP) was reelected to a 4-year term after being declared winner in elections that international and domestic observers stated were marred by serious irregularities and fraud, including political violence. At year's end, opposition parties continued to challenge the election in court. The elections also resulted in the ruling PDP winning 70 percent of the seats in the national legislature and 75 percent of the state governorships. Although the judicial branch remained susceptible to executive and legislative branch pressures, the performance of the Supreme Court and decisions at the federal appellate level were indicative of growing independence. State and local judiciary were significantly influenced by political leaders and suffered from corruption and inefficiency more than the federal court system.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) officially reported directly to the President. Internal security is the duty of the State Security Service (SSS), which reports to the President through the National Security Advisor. Police were unable to control ethno-religious violence on numerous occasions during the year, and the Government continued its reliance on the army in those cases. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Security forces committed several serious human rights abuses.

The country's market-based economy grew 3.3 percent in real terms in 2002, and most credible estimates project a slight decline to 3.2 percent growth during the year. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 130 million were rural and engaged in small-scale agriculture, which accounted for only 42 percent of gross domestic product (GDP). Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a small elite. Corruption, nontransparent government contracting practices, and other systems favored the wealthy and politically influential, including: A banking system that impeded small and medium investor access to credit; and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. The International Labor Organization (ILO) estimated that 91 million citizens lived below the poverty line and were subject to malnutrition and disease.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. Elections held during the year were not generally judged free and fair and therefore abridged citizens' right to change their government. Security forces committed extrajudicial killings and used excessive force to apprehend criminal suspects, and to quell some protests. There were several politically-motivated killings by unknown persons during the year. Security forces regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning; however, no amputation or stoning sentences were carried out, and one of the judgments was dismissed on appeal during the year. Prison conditions were harsh and life threatening, and conditions contributed to the death of numerous inmates. Security forces continued to arbitrarily arrest and detain persons, including for political reasons. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities occasionally infringed on citizens' privacy rights. The Government at times limited freedom of speech and press. The Government continued placing limits on freedom of assembly and association, citing security concerns. Some state governments placed limits on some religious rights, and some government programs discriminated between religious groups. The Government occasionally restricted freedom of movement for security reasons in areas of unrest and used lethal force at checkpoints. Domestic violence and discrimination against women remained widespread. Female genital mutilation

(FGM) remained widely practiced in some parts of the country, and child abuse and child prostitution were common. Intercommunal violence remained a problem. Some militant members of the Ijaw ethnic group in the oil-producing Niger Delta region continued to commit serious abuses, including unlawful killings and kidnappings, leading to violent reprisal attacks by the Itsekiri ethnic group. Ethnic and regional discrimination remained widespread, and localized discrimination and violence against religious minorities persisted. Some restrictions on worker rights continued. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of prostitution and forced labor was a problem, and collusion of government officials in trafficking was alleged. Vigilante violence continued throughout the country, particularly in parts of the South.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life There were no political killings by security forces; however, national police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protestors during the year, when crowds were perceived by police as possibly becoming violent. Multinational oil companies and domestic oil producing companies subcontracted police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region. Freelance security forces and former security forces accounted for a portion of the violent crime committed during the year. Police were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta Region.

The Federal anticrime taskforce, also known as "Operation Fire for Fire," was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. Police and anticrime taskforce personnel involved committed extrajudicial killings in the apprehension and detention of suspected criminals, and were instructed to use deadly force to subdue violent criminals. According to Inspector General of Police Tafa Balogun, from March 2002 until November, police killed more than 1,200 criminals and arrested more than 2,800. There were widespread complaints that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force, or for the deaths of persons in custody. They generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see Section 1.d.).

During the year, police, military, and anticrime personnel continued to regularly use lethal force against suspected criminals. For example, on May 2, a police officer reportedly opened fire on a commercial bus in Ado Ekiti, mistakenly killing two students, while searching for a fugitive. The policeman was arrested and detained but had not been formally charged at year's end. On August 4, police reportedly killed three robbery suspects in Enugu State. The policemen alleged that the suspects were robbing passengers in a bus when they were caught. The policemen have not been arrested or detained for the killings. On August 12, a police officer shot three suspects, accused of killing a police officer, while the suspects were in a jail in Kubwa. Police were investigating the shooting at year's end.

On September 8, the Bauchi State Police Command reported that police killed nine suspected armed robbers in various parts of the state: Four were killed in two separate shoot-outs, while the remaining five were killed while in custody in a police van to prevent their escape. The policeman accused of the 2002 shooting of Ikenna Asikaburu, an 18-year-old student in Lagos, was dismissed from the force, but no compensation has yet been paid to the family.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment (see Section 1.c.). On May 12, a police sergeant allegedly tortured to death Haruna Mohammed while he was in custody in Bauchi. Mohammed was being held on suspicion of stealing \$75 (10,000 naira) from the Speaker of the State House of Assembly. The Bauchi House of Assembly formally petitioned the state police commissioner for an investigation. There were no further developments by year's end. There were only a few cases in which members of the police were held accountable for abuses. Harsh and life-threatening prison conditions and denial of proper medical treatment also contributed to the deaths of numerous inmates.

Security forces committed other unlawful killings during the year. Due to the large number of civilian deaths by police, armed police in public arguments often found themselves in the middle of large crowds that occasionally took revenge. In many cases, police accidentally killed persons while attempting to disperse crowds. For example, on January 24, a gin seller called police to assist in collecting a debt. In the ensuing argument, a policeman shot and killed the debtor's pregnant wife. The officer was taken into custody and was awaiting trial at year's end.

On May 14, in Edo State, a policeman argued with a commercial motorcycle rider, and a crowd formed. The policeman attempted to disperse the crowd by firing into the air, but killed two persons. An investigation was pending at year's end. Violence and lethal force at police and military roadblocks and checkpoints continued during the year. For example, on May 19, police shot an Ebonyi State Medical student at a checkpoint after being arrested for refusing to pay a \$0.08 (10 naira) bribe. The policeman was arrested.

On June 25, a policeman shot and killed the driver of a commercial bus in Jigawa State, after the driver refused to pay a \$0.15 (20 naira) bribe. Police were investigating the shooting at year's end.

On September 8, soldiers shot a motorcycle operator who refused to pay a \$0.15 (20 naira) bribe at a checkpoint in Delta State. The Committee for the Defense of Human Rights (CDHR) reported that military officials originally tried to claim that the individual was an armed robber to cover-up the incident. The Nigerian Bar Association called upon the Chief of Army staff to financially compensate the family of the deceased and discipline and prosecute the responsible soldiers. One soldier was transferred. Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas areas of the States of the Niger Delta and in Plateau State (see Sections 2.b., 5, and 6.b.). Although less frequent than in previous years, there were reported occurrences of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta. The Ondo State government had not released its report into the 2002 killing of four women on oil production platforms by year's end.

In mid-August, the Government began "Operation Restore Hope," a joint task force comprised of approximately 5,000 army, naval, air force, and mobile police personnel under the command of Army General Zamani, in response to violence in the Niger Delta region (see Section 5). Military personnel and youths have had repeated small-scale skirmishes, with total estimated casualties on both sides reaching 1,000 for the year. Many human rights organizations have accused the military and police of harassment, extortion, and excessive use of force during Operation Restore Hope. In response to public pressure or formal requests from state governments, the Federal Government continued to deploy the army in troubled areas during the year. In September, after 2 years, the Government withdrew military forces from Plateau State. During the elections, the military was deployed, along with paramilitary and police, to maintain order in population centers throughout the country. There were reports that soldiers from some units committed serious abuses while performing this policing role, although the number of such incidents decreased from the previous year. The Benue Commission established in 2002 to investigate the October 2001 killing of approximately 200 civilians, rape, extortion, and looting in Benue State by soldiers had not published its report and findings by year's end.

No action was taken against security forces in the following 2002 cases: The January killing of 3 persons in Bayelsa State; the February killing of 15 youths in Delta State; the March killing of up to 25 persons in Katsina State; the April killing of Flight Sergeant Augustine Ogbolu in Ondo State; the May killing of University of Lagos students Gbenga Akinmogan and Shakirat Owolabi; the June killing of Agene Akinrinde in Lagos; the June killing of Oluwatosin Adelugba at a Lagos checkpoint; the August killing of John Osazuwa in Edo State; and the October Joint Security Taskforce killing of 6 civilians during a communal clash in Plateau State.

No action was taken against security forces in the reported 2001 cases. On February 24, the Federal High Court ruled that Mohammed Abacha, former President General Sani Abacha's son, could be arrested and tried for the 1996 attempted murders of Abraham Adesanya, leader of Afenifere, and Alex Ibru, publisher of the Guardian newspaper. Abacha was confined to the city of Kano at year's end.

There were several killings by unknown persons that may have been politically motivated. For example, on February 22, unknown persons shot and killed Uche Ogbonnaya, an opposition All Nigerian Peoples Party (ANPP) Senatorial candidate in Imo state, in his home in Owerri. On March 5, unknown persons killed Marshall Harry, a National Vice Chairman of the ANPP who formerly was a prominent member of the ruling PDP. Shortly before his death, Harry alleged that Rivers State Governor Peter Odili's men were intimidating political opponents and called on police to protect his party members from these "political thugs." Although some arrests were made in connection with the killings, no one was formally charged. Harry's daughter, an eyewitness to the killings, publicly stated that the persons arrested were not the perpetrators. There were no known developments in the following 2002 cases of politically motivated killings by unknown assailants: the June killing of magistrate Maria Theresa Nsa in Cross River State; the August killing of Victor Nwankwo in Enugu State; the October killing of gubernatorial candidate Dele Arojo; and the October killing of Professor Chimere Ikokwu in Enugu State. In October 2002, 11 of 27 suspects were charged with the murder of Justice Minister Bola Ige. The trial of 6 of the 11, including Senator Iyiola Omisore, who was elected in Osun State while in detention, started in March at an Ibadan high Court. The trial started and stopped several times, and two judges resigned due to pressure and threats. The remaining five persons charged were still in detention pending the start of their trial at year's end. Killings carried out by organized gangs of armed robbers remained common during the year. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys killed suspected criminals rather than turn them over to police. The influence of the Bakassi Boys diminished during the year.

Other organized vigilante groups in large cities, particularly Lagos and Kano, continued to commit numerous killings of suspected criminals. These vigilante groups engaged in lengthy and well-organized attempts to apprehend criminals after the commission of the alleged offenses. For example, on February 16, a vigilante group in Kano along with police killed three suspected robbers in a shoot-out.

On October 30, the Akwa Ibom State Police Command officially authorized the formation of vigilante groups by local communities for the purpose of hunting down armed bandits.

No action was taken against members of vigilante groups who killed or injured persons during the year or in previous years, although police reportedly harassed members of such groups. Unlike in previous years, there were no reports of "torture chambers" operated by the Bakassi Boys. Reports of street mobs apprehending and killing suspected criminals diminished during the year, and there were no developments in cases from previous years. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) also declined. Politically-related violence occurred throughout the country from January through May. For example, on February 16, a clash between ANPP and PDP supporters in Benue State left seven persons dead.

During the May 3 state elections in Delta State, eight persons were killed at the polls: five in Burutu, two in Ozoro, and one in Oleh.

There were no developments in the following 2002 cases: the June killing of 2 persons in Delta State during a local PDP caucus; the July killing of 4 to 8 persons in primary-related violence in Bayelsa State; the unconfirmed killing of 50 persons in Bayelsa State in violence between two rival gangs; and the August killing of the Kwara PDP chairman.

The trial for the September 2002 murder of Barnabas Igwe, Chairman of the Anambra State branch of the Nigerian Bar Association, and his wife did not begin by year's end.

Lethal interethnic, intraethnic, and interreligious violence occurred at diminished levels from previous years (see Section 5). Sporadic communal violence continued between Tivs, Jukuns, and other tribes in Adamawa, Kogi, Edo, Delta, Nassarawa, and Plateau States during the year, killing hundreds of persons.

During the year, rivalry and fighting between and among rival student affinity groups, commonly known as cults, in higher institutions led to the killing of persons and destruction of property. Cultism was on the rise, especially in the South and Middle Belt States, and seemed to coincide with the end of the 6-month national strike by university educators that kept most universities closed during the school year. For example, cultists killed a lecturer and four students at the University of Ilorin in Kwara State during the first 2 weeks of May.

Between July 6 and July 8, eight students were killed at Ebonyi State University, just 2 weeks after it reopened, forcing the school to close indefinitely. There was no resolution in the 2002 cases involving deaths in cult clashes.

#### b. Disappearance

There were reports of politically motivated disappearances during the year.

On May 24, government security operatives detained one of the imams from the Kaduna Central Mosque for allegedly inciting violence in advance of President Obasanjo's May 29 inauguration. His supporters won a decision from the Kaduna High Court ordering the Government to produce him in court. The Government did not respond to the order, and the Imam remained at year's end missing, presumed to be in detention.

On July 10, Mobile Police abducted Anambra State Governor Chris Ngige, forced his resignation, and held him for 5 hours. Ngige, a member of the ruling PDP, had allegedly pre-signed an undated resignation letter and had given it to Chris Uba, his political godfather. (A political godfather uses bribery and blackmail to help another person to obtain political office in exchange for receiving favors, usually contracts). Uba, with the aid of the Deputy Governor Okey Udeh and others, attempted to forcibly remove Ngige from office. On August 7, as prescribed by the 1999 Anambra State Constitution, a seven-member panel was convened to investigate allegations of "gross misconduct" by Udeh. On August 25, the Federal High Court ordered the panel to halt proceedings based on a motion filed by Udeh. The panel ignored the order and submitted its findings to the State House of Assembly. On September 9, the State House of Assembly voted to impeach Udeh. Udeh filed another suit with the Federal High Court claiming that his impeachment was unconstitutional, questioning the jurisdiction of the panel and State House of Assembly to move for his impeachment. On September 16, the Anambra State High Court issued an ex-parte order to terminate the previous Federal High Court order ceasing impeachment proceedings. On September 20, the Federal Government agreed to abide by the terms of the ex-parte order pending a ruling from a superior court. Legal proceedings were pending at the time of this report.

Members of ethnic groups in the oil-producing areas continued to kidnap foreign and local employees and contractors of oil companies, allegedly to press demands for increased redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation. Most often the kidnappers simply demanded ransom likely to be used for personal gain, or to finance armed aggression between rival ethnic factions in the Niger Delta, particularly the Ijaw and Itsekiri. In all instances, the victims were released unharmed after negotiations between the captors and the oil firms or after the intervention of security forces. In previous years, the firms usually paid ransom and promised improved conditions; however, during the year, the major oil producers have refused ransom demands. Some kidnappings, particularly in the Delta, appear to have been part of longstanding ethnic disputes over resources. Due to limited manpower and resources, police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. For example, on January 14, unknown assailants kidnapped the Edo State ANPP Chairman from his office in Benin City and held him for 2 days.

On January 28, unknown assailants kidnapped the traditional ruler of Aiyetoro Ota in Ogun State and held him for 3 weeks.

On July 31, armed Ijaw youths kidnapped and later released a local Chevron worker outside of his home in Warri. Chevron reportedly refused to accede to ransom for any kidnapped employee, local or expatriate, at the request of the Government.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the law provides for punishment of such abuses; however, during the year, police,

military, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture. In some cases, persons died from torture in custody (see Section 1.a.).

Different formulations for criminal law of Islamic Shari'a were in place in 12 northern states (see Section 2.c.). Shari'a courts delivered "hudud" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning for adultery. No state prescribes hudud punishments for apostasy. Because no applicable case has been appealed to the federal level, federal appellate courts have yet to decide whether such punishments violate the Constitution (see Section 1.e.). Caning is also a punishment under common law in the Northern region Penal Code and has not been challenged in the courts as a violation of the Constitution. In some cases, convicted persons are allowed to choose to pay a fine or go to jail in place of receiving strokes of the cane. These sentences were usually carried out immediately, while all sentences involving mutilation or death allow 30 days for appeal.

On October 1, a Shari'a court in Zamfara State sentenced Shafaiatu Tukur to 30 cane strokes and a \$60 (8,000 naira) fine for arson. Tukur was given the option of a 5-year prison sentence instead. Her decision had not been announced by year's end. Stoning and amputation sentences have been overturned on procedural or evidentiary grounds, but not on constitutional grounds. For example, on September 25, the Katsina State Shari'a Court of Appeal overturned Amina Lawal's conviction of adultery on the grounds that she had not been allowed an appropriate defense by the lower court. No death sentences were carried out during the year.

During the year, there were at least 44 cases in 5 states with sentences of stoning or amputation pending appeal or sentence implementation. No stoning or amputation sentences were carried out during the year. There was no update in the 2002 charge that 20 Movement for the Actualization of the Sovereign State of Biafra (MASSOB) activists were detained unlawfully and tortured in Imo State. During the year, security forces beat persons. For example, on January 25, a suspected rapist briefly escaped custody in Ogun State. Four policemen in a neighboring compound caught the suspect and beat him severely. No investigation occurred by year's end.

On December 8, after an attempted impeachment of the Speaker of the House, mobile policemen beat three state legislators in the Ekiti State Assembly while clearing the chambers to maintain order.

No investigation occurred in the 2002 beating of five commercial motorcycle operators in Lagos by police officers and soldiers, or in the 2002 alleged beating of 800 women trespassing on the grounds of the headquarters of Shell and Chevron-Texaco by security forces. Security forces beat journalists during the year (see Section 2.a.).

On September 5, two policemen were arrested in Lagos for allegedly raping prostitutes they had arrested. Although there were numerous ethnic clashes during the year (see Section 5), the number of persons who were beaten or injured severely was lower than in previous years. The military was able to respond quickly, due largely to the fact that military units were already deployed in some areas when violence broke out. Police generally lacked the resources to control communal violence.

Hamza Al Mustapha, Muhammed Rabo Lawal, Colonel Yakubu, Ishaya Bama, and James Danbaba remained in detention under the secular criminal system as suspects in the attempted murder of Ibru. The trial slowly moved forward during the year, with five witnesses testifying for the prosecution and bail formally being denied for the suspects. Lateef Shofolahan, Mohammed Aminu, and Barnabas ("Rogers") Msheilia were released from detention during the year. Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. The Comptroller-General of Prisons stated on September 23 that 40,447 inmates were held in a system of 148 prisons and 83 satellite prisons, and he redesignated prisoner capacity, declaring the new capacity to be 44,556 prisoners. Some human rights groups estimated a higher number of inmates, perhaps as many as 60,000. Excessive pretrial detention contributed to the overcrowding (see Section 1.d.). Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who die in the country's prisons was difficult to obtain because of poor record keeping by prison officials. PRAWA and other NGOs alleged that prison conditions were worse in rural areas than in urban districts.

In January, 56 inmates in Lagos were placed in intensive care in Lagos prisons after a tuberculosis outbreak. There was no update on their condition by year's end. In practice, women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned, juvenile offenders were routinely incarcerated along with adult criminals. There was no formalized procedure regarding the separation of detainees and convicted prisoners, and the method of confinement depended solely on the capacity of the facility; as a result, detainees often were housed with convicted prisoners. The Ministry of Justice worked to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation. The NHRC

also urged the Government and police not to detain persons in civil cases.

The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. Unlike in previous years, no NGOs reported problems with access to prisons.

d. Arbitrary Arrest, Detention, or Exile The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

The Nigerian Police Force (NPF) is tasked with law enforcement, and the Inspector-General officially reported directly to the President. Each state unit was commanded by an Assistant Inspector General. The Constitution prohibits local and state police forces. The NPF continued its aggressive anti-crime campaign dubbed "Operation Fire for Fire," which was responsible for human rights abuses and did not noticeably decrease the incidents of violent crime nationwide (see Section 1.a.). Corruption was rampant, usually taking the form of bribes at highway checkpoints, and more than 250 police were arrested during the year and another 300 dismissed from service for corruption. In addition, more than 30 officers around the country were arrested in connection with armed robbery.

Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law, police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to these procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so suspects were held in investigative detention for sustained periods of time. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded an additional payment.

There were several politically-motivated arrests during the year. For example, in December 2002, police arrested Festus Keyamo, the leader of Movement for the Actualization of the Future Republic of the Niger Delta. Amnesty International reported that Keyamo was held incommunicado; denied medical assistance, adequate food, and clothes; and was likely detained for his political beliefs in seeking autonomy for the Niger Delta region. On February 3, police released Keyamo.

On April 13, security agents arrested and detained James Bawa Magaji, an ANPP senatorial candidate, for 7 days for "protesting and reporting" the discovery of ballot boxes to the Kaduna Police Command. Magaji and ANPP supporters discovered that ballot boxes were kept in the warehouse of the state government instead of Independent National Electoral Commission (INEC).

On April 19, security agents arrested UNPP Gubernatorial Candidate in Katsina State, Colonel Abdul Mummin Aminu, for electoral malpractices after Aminu reported to the police that ballot boxes had been taken to the home of the local government chairman instead of the INEC counting center. When diplomatic and international election observers arrived, the house containing the boxes was burned to the ground. Aminu was released four weeks later.

Security forces detained journalists on a few occasions during the year (see Section 2.a.).

On September 11, security agents arrested Ali Rugange, a politician with the opposition ANPP, a photographer, and their driver for taking pictures in an attempted survey of personal properties belonging to the Vice President in Adamawa State. The two were not charged and Rugange filed suit for unlawful detention. Police stated the arrest was for "attempted mischief." A local court awarded Rugange \$385 (50,000 naira) to be paid by the police for wrongful arrest.

During the year, police arrested labor leaders during strikes (see Section 6.b.).

There were no updates in the following 2002 cases: the February suit against the Anambra State Police Commissioner alleging illegal arrest and detention filed by attorney Olusoga Omotayo; the June suit against five police officers and a traditional ruler in Enugu filed by Ibrahim Onuomada, a PDP youth leader; and the September raiding of MASSOB's headquarters by mobile policemen with alleged arrests of more than 1,000 members. Members of the Oodua People's Congress (OPC) continued to be arrested and detained without trial. Although relations with police were markedly improved and OPC operated freely, they reported that 30 to 50 members were placed in custody during the year. Others were charged as armed robbers and tried accordingly.

Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for

further questioning. For example, on February 13, 17 persons were detained and on February 18, 14 more were detained in the investigation into the Idumagbo explosion in Lagos, in which 33 persons died. The persons detained were neighbors to the explosion site and employees of neighboring companies, and detentions lasted from 2 days to several weeks. Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). On September 23, the Controller-General of prisons stated that 25,380, approximately 63 percent, of prisoners were detainees awaiting trial who had not been charged; other sources placed the number as high as 80 percent. Some had been waiting as long as 12 years, while many had approached the maximum length of their sentences. Multiple adjournments in some cases had led to serious delays. The NHRC urged the courts, the Ministry of Justice, and police to expedite cases awaiting trial. Police cited their inability to securely transport detainees to trial on their trial dates as one reason why so many were denied a trial. The NHRC reported that some detainees were held because their case files had been lost. Some state governments released inmates detained for significant periods of time without trial, including 100 inmates in Edo State and 17 inmates in Akwa Ibom, during the year.

There were no developments in the 2002 suit filed by hundreds of inmates awaiting trial in Lagos challenging the constitutionality the criminal procedure invoked by magistrates to remand them to prison without standing trial. Most remained in detention at year's end.

Ismaila Gwarzo, national security advisor to former President Abacha, remained restricted to his hometown in Kano State at year's end.

The Constitution prohibits the expulsion of citizens, and the Government did not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level were indicative of greater independence. The judiciary was influenced by political leaders particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.

The Ministry of Justice implemented strict requirements for level of education and length of service for judges at the Federal and State level. However, there were no requirements or monitoring body for judges at the local level, and this led to significant corruption and miscarriages of justice.

The recommendations of the 1993 Esho Panel, set up to investigate corruption in the judiciary, called for the "withdrawal" of 47 judicial officials. No judges have been removed for irregularities cited in the Panel's report; however, Justice Usman Kuserki was removed on January 23 for his July 2002 aborting of the ANPP national convention. During the PDP convention the 21 PDP governors threatened to take their states' votes away from the president if he did not make certain concessions. For nearly 24 hours it appeared that the Vice President was thinking about breaking ranks and fighting against the president for the nomination. In the middle of the night, Obasanjo contacted this judge to get an order to stop the convention so that he would not have to give in to the governors to get his nomination. The judge refused and was dismissed within weeks, purportedly due to his actions regarding the ANPP convention 7 months earlier.

The regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There are Shari'a (Islamic) and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end. The nature of the case usually determined which court had jurisdiction. In principle, customary and Shari'a courts had jurisdiction only if both plaintiff and defendant agree; however, in practice, fear of legal costs, delays, distance to alternative venues, and individual preference caused many litigants to choose the customary and Shari'a courts over other venues. In some states, cases involving only Muslims must be heard by a Shari'a court. Other states with Shari'a law still permitted Muslims to choose common law courts for criminal cases; however, societal pressure forced most Muslims to use the Shari'a court system. According to the Constitution, persons charged with offenses have the right to an expeditious trial. Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.). Most detainees were poor and could not afford to pay the costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delay tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting.

Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there was a widespread perception that judges easily were bribed or "settled," and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other means of income. In addition, court officials often lacked the proper equipment, training,

and motivation to perform their duties, again primarily due to inadequate compensation.

In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced, although all accused persons have the right to appeal. The Government instituted a panel of legal scholars to draft a uniform Shari'a criminal statute to replace divergent Shari'a statutes adopted by various northern states; however, states continued to apply their individual codes. There were no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. In violation of mainstream Shari'a jurisprudence, some Khadi judges subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed. There were no developments in the 2002 Human Rights Violations Investigation Panel (HRVIP) recommendations regarding the possible reversal of the Auta Tribunal's conviction Saro-Wiwa and the Ogoni-9 in 1995. There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits such actions; however, authorities at times continued to infringe on these rights. Mobile police reportedly raided Movement for the Survival of the Ogoni People (MOSOP) leader Ledum Mitee's residence, claiming they were searching for hidden weapons. A search of the residence did not yield any weapons. Mitee was not arrested.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. Human rights groups called for police to end the practice. Purdah, the practice of keeping girls and women in seclusion from men outside the family, continued in parts of the country, which restricted the freedom of movement of women.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times limited these rights. Some journalists practiced self-censorship. The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant private domestic press that frequently was critical of the Government. There were two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times. The New Nigerian published an additional Hausa edition. Several states owned daily or weekly newspapers that also are published in English. They tended to be produced poorly, had limited circulation, and required large state subsidies to continue operating. By year's end, there were more than 10 major daily newspapers, 5 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. There was a government-owned national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa, Yoruba, Igbo, and other languages; 51 state radio stations broadcast in English and local languages. The NBC, the body responsible for the deregulation and monitoring of the broadcast media did not license any new private radio stations during the year. There were eight private radio stations operating during the year.

The National Television Station, NTA, was federally owned, and 30 states also operated television stations. There were nine privately owned television stations that broadcast domestic news and political commentary. There were two private satellite television services. The law requires that local television stations limit programming from other countries to 40 percent and restricted the foreign content of satellite broadcasting to 20 percent; however, the Government did not restrict access to, or reception of, international cable or satellite television.

International broadcasting, principally Voice of America and British Broadcasting Corporation, as well as Deutsche Welle and others, broadcast in English and Hausa and were an important source of news in the country. During the year, two international broadcasting organizations reported that their accreditation renewals initially were denied but they later were allowed to reapply.

During the year, there were cases of threats against and attacks on the press. On August 22, police arrested The Source reporter, Lawson Heyford, after he reported on communal clashes in Rivers state. Police detained Heyford for 4 days and was reportedly interrogated about his naming alleged responsible parties.

On August 30, police severely beat Daily Independent newspaper photographer, Akintunde Akinleye, on live television during the celebration of the Lagos traditional ruler's coronation. He regained consciousness and was released from the hospital one week later. Vice President Abubakar Atiku publicly apologized for the assault and paid compensation. In 2002, Zamfara State Government rescinded the fatwa death sentence issued by the Deputy Governor on Isioma Daniels, one of the journalists responsible for an article about the Miss World Pageant that sparked violence in Kaduna (see Section 2.c.). Several small Islamic groups announced forgiveness of the journalist during the year.

There were no further known developments in the following 2002 cases: the February beating of a journalist by 10 policemen in Lagos or the arrest warrant for the Daily Times' managing director and editor for publishing negative stories about the Kogi



## State Governor.

There were no further known developments in the reported 2001 cases. Editors reported that government security officers sometimes visited or called to demand information about a story or source; however, journalists and editors no longer feared suspension or imprisonment for their editorial decisions. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the state-owned media to showcase the state's accomplishments and to promote their own political goals.

On February 4, Senator Jonathan Zwingina announced that the Senate had repealed Decree 60 creating the Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. However, on July 14, the House of Representatives announced new rules for journalists covering the National Assembly that requires all material to be cleared before publication.

On June 30, security operatives bought hundreds of copies of TELL magazine in Abeokuta, Ogun State, in an attempt to limit the circulation of the magazine, which carried an article alleging corruption by the President and Vice President.

On November 24, three editors from the weekly news magazine the Insider were arrested and charged on November 26 with sedition and criminal defamation in relation to an article published in the magazine alleging the involvement of government officials in questionable oil deals. The three were released on bail and the case adjourned until 2004.

On December 28, the Deputy Governor of Kano State sued the Sun newspaper for libel. The paper alleged the deputy governor's involvement in a bribery scandal. Many journalists cited the libel laws as the main reason they practiced self-censorship. While private television and radio broadcasters remained economically viable on some advertising revenues and business interests of the owners', despite the restrictions that the Government imposed on them, government-sponsored broadcasting companies complained that government funding and advertising were inadequate for their needs. Foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas; however, they sometimes experienced multiple month-long delays, were issued only single entry visas, and forced to pay bribes to expedite visa processing. In March, the SSS briefly detained and harassed New York Times reporter Somini Sengupta and her two photographers in connection with reporting on clashes between Ijaw youths and the military near in Delta State.

There were no developments in the 2002 government announcement that Time (International) magazine reporter Stephen Faris was subject to arrest for publishing a "false" report, which President Obasanjo's investigative panel concluded was intended to damage the nation's international image.

The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. Government-owned NITEL operated an Internet Source Provider (ISP) that competed with dozens of privately owned ISPs. The Government continued to restrict academic freedom by controlling curriculum at all levels including mandating religious instruction, and the quality of secondary education remained poor. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses, particularly in the South, continued to hamper educational progress (see

Section 1.a.). On several occasions during the year, police forces harassed and arrested students during protests (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association The Constitution provides for freedom of assembly, and the Government generally respected this right, although some limits remained. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

The Government continued to nominally require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement.

The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to fears that they might heighten inter-religious tensions. The Ondo State ban on open-air religious events remained in effect during the year, and the Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was being enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

The Government denied the opposition ANPP permits to hold rallies for their presidential candidate on multiple occasions. In some cases, the Government allowed the rally within a few days of the originally requested date. On September 23, Governor Shekarau of Kano State authorized an ANPP rally in contravention of a denial from the Inspector General of Police. During the rally, police tear-gassed ANPP supporters.

During the year, police killed 6 persons in Abuja, at least 10 persons in Lagos, and 6 students in Port Harcourt when dispersing otherwise peaceful protests.

On December 3, six members of the United Action for Democracy were arrested and beaten in Lagos when they attempted to hold a rally to protest the government's hosting of the Commonwealth Heads of Government Meeting. The activists filed suit on

December 29 to protest both the detention and the beating.

Unlike in the previous year, police did not disrupt meetings of the OPC and allowed the organization to operate freely.

Police reportedly harassed members of MASSOB, MOSOP, and other groups. On March 29, anti-riot police killed seven MASSOB members in Imo state after reportedly disrupting a MASSOB meeting.

No action was taken against security forces who killed or injured persons while forcibly dispersing protests in 2002 or 2001, including the March 2002 raid on a weekly religious crusade in which the Enugu State Governor was implicated.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice. Unlike in the previous year, there were no reports that INEC used a stringent interpretation of constitutional requirements to block political parties from registering. The Constitution allows the free formation of political parties, and the number of parties registered with INEC increased to 31 in 2002.

#### c. Freedom of Religion

The Constitution provides for freedom of religion and while the Federal Government generally respected religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns. Some state governments restricted these rights in practice in certain respects.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians alleged that Islam had been adopted as the de facto state religion of several northern states that have reintroduced criminal law aspects of Shari'a and continued to use state resources to fund the construction of mosques, the teaching of Kadis (Muslim judges), and pilgrimages to Mecca (Hajj). However, government funds also were used by some states to pay for Christian pilgrimages to Jerusalem. In general, states with a Christian or Muslim majority favored the majority faith. Both the federal and state governments were involved in religious matters, including the regulation of mandatory religious instruction in public schools, subsidized construction of churches and mosques, state-sponsored participation in the Hajj, and pilgrimages to Jerusalem. Muslims in some predominately Christian states complained about religious discrimination. Approximately half of the population is Muslim, approximately 40 percent Christian, and roughly 10 percent practiced traditional indigenous religions or no religion. The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts, and some states interpreted this language as granting them the right to expand the jurisdiction of their existing Shari'a courts to include criminal matters (see Section 1.e.). By year's end, 12 northern states had adopted variations of Shari'a-based criminal law--Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to Shari'a provisions was compulsory for Muslims in some states and optional in others and enforcement varied by locale. Adherence to Shari'a provisions was not compulsory for Christians in any of the 12 states.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the year; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number had their places of worship shut down because of enforcement of zoning laws. Some persons claimed that enforcement of these laws was selective. Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Officials responded that many of these new churches were being formed in residential neighborhoods not zoned for religious purposes. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith. Muslims continued to complain that they were denied permission to build mosques in predominantly Christian southern states. The Government does not prohibit or discourage conversion from or to a particular religion, and unlike in the previous year, there were no reports that persons were arrested for conversion. There was no further action in the 2002 case of two men brought to trial in Zamfara State for converting from Islam to Christianity by year's end. The law prohibits religious discrimination; however, reports were common that state and local government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts, and private businesses frequently were guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns. As religious differences often correspond with ethnic differences, discrimination at the local level is often a mixture of religious and ethnic biases. There was no update in the 2002 case of 21 nurses fired for not wearing "Shari'a compliant dresses" in Bauchi State.

On February 19, members of a Muslim youth organization disrupted three secondary schools in Ibadan, protesting that girls were not wearing appropriate head coverings; several persons were injured. A similar invasion occurred the following week, and 51 persons were arrested and 39 arraigned on charges of public disturbance. All were released on bail, and no trial date had been set by year's end.

Several northern state governments continued to ban public proselytizing during the year to avoid ethno-religious violence, although it is permitted by the Constitution. The Katsina and Plateau State governments maintained a ban on public proselytizing for security reasons during the year; however, some groups were allowed to carry out activities despite these formal bans, which generally were enforced on a case-by-case basis. Both Christian and Muslim organizations alleged that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of intending to proselytize. According to the Constitution, students were not required to receive instruction relating to a religion other than their own; however, public school students in many parts of the country were

subjected to mandatory Islamic or Christian religious instruction. State authorities claimed that students were permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. However, there were no teachers of "Christian Religious Knowledge" in many northern schools, and there were reports that in Enugu and Edo States Muslim students could not access "Islamic Religious Knowledge" in the public schools. Although distribution of religious publications generally remained unrestricted, the Government periodically continued to enforce a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of Christian religious literature. Although expanded Shari'a laws technically do not apply to non-Muslims, some non-Muslims, especially in Zamfara State, have been affected by certain social provisions of the laws, such as the separation of the sexes on public transportation. There also were reports that girls in government schools in Kano State were forced to wear the hijab.

A number of states sanctioned private vigilante Shari'a enforcement groups known as Hisbah. Zamfara State vested the local vigilante group with full powers of arrest and prosecution because the state believed police were not enforcing the Shari'a laws. Jigawa State also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. Informal Shari'a enforcement groups may have been used for some law enforcement functions in other northern states as well. There were no further developments in the investigations into the violence in Kaduna regarding the Miss World Pageant in 2002.

Religious differences often corresponded to regional and ethnic differences. For example, the northern region was predominately Muslim. Many southern ethnic groups were predominantly Christian, although the Yoruba were approximately 50 percent Muslim. Both Muslims and Christians were found in large numbers in the Middle Belt. In many areas of the Middle Belt, Muslim Fulani tended to be herders, while the Muslim Hausa and most Christian ethnic groups tended more toward farming or urban living. It often was difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Often religious tensions underscored what were predominantly ethnic and economic confrontations during the year (see Section 5). The Middle Belt experienced recurring ethno-religious violence during the year but overall violence decreased markedly from 2001 levels.

Ethno-religious conflict continued in many parts of Plateau during the year. Repeated outbreaks of violence caused dozens of deaths and resulted in the destruction of places of worship, shops, and homes. Existing tensions between Christians and Muslims caused minor incidents, such as a traffic accident, to escalate into communal violence. For example, on June 9, in Numan, Adamawa State, a non-local Muslim water hawker stabbed and killed a Christian woman in a disagreement over the price of water. The woman had refused to pay and the seller stabbed her in view of her family. The woman's family retaliated and over the next 2 days, eight persons were killed, one mosque and four churches were burned, numerous houses were destroyed, and hundreds of persons fled the town.

In September, at Ahmadu Bello University in Kaduna State, a female Christian student was accused of blasphemy, which led to non-lethal clashes between Muslim and Christian students.

There were no developments in the 2002 or 2001 incidents of interreligious violence.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence.

In the months leading up to and during the elections, police in the Federal Capital Territory limited the number of Muslims entering Abuja to attend Friday Juma'at prayers at the National mosque because of the Government feared the gathering would become a spontaneous rally or riot in favor of opposition presidential candidate Buhari.

Local Government Areas (LGAs) in Warri North, Warri South, and Warri Southwest experienced numerous curfews in response to inter-ethnic conflict during the year. Mobile police and military personnel manned checkpoints and restricted movement for 12 hours during the day, which reportedly calmed Warri town. Roadblocks and checkpoints routinely were used by law enforcement agencies to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see Section 1.a.).

The law provides that women are required to obtain permission from a male family member before having an application for a passport processed; however, this provision was not enforced strictly. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country. There were confirmed reports that persons were questioned upon entry or exit to the country at Murtala Mohammed International Airport in

Lagos. These persons, some of whom are community or political activists or had been opponents of the Abacha regime, remained in immigration computer systems as individuals to be questioned by immigration or security officers. During the year, CDHR reported that Dr. Tajudeen Abdul Raheem, Chairperson of the International Government Council of the Centre for Democracy and Development (CDD), received his passport and an apology from police officials after being detained in 2002 trying to leave Murtala Mohammed Airport.

During periods of ethno-religious violence, numerous persons were displaced from their places of residence (see Section 5). The Red Cross estimated in April that more than 57,000 citizens were displaced due to different ethno-religious clashes, including 11,000 from a clash between Fulani herdsmen and farmers in Adamawa State in March. The local Red Cross also accused the Government of not providing sufficient aid to those displaced in the fighting.

In March, August, and September, tens of thousands of persons were displaced in the Niger Delta region in Bayelsa, Delta, and Rivers States due to continued ethnic and communal conflict.

No arrests were made after unknown gunmen assaulted displaced Tivs attempting to return to Taraba State in 2002. Unlike in the previous year, there were no reports that non-Tiv residents attacked Tivs trying to return to their homes in Benue. Officials in Benue estimated that as many as 6,000 Tiv IDPs were unable to return to their homes in other states. Other observers estimated that fewer than 1,000 persons remained.

The Lagos office of the U.N. High Commissioner for Refugees (UNHCR) estimated that 12,000 refugees, mostly ethnic Fulani herders, were in Cameroon at year's end. The refugees had fled eastern Benue and Taraba States following ethno-religious clashes between the Tiv and Jukun peoples in 2002. Approximately 5,000 Fulani returned during the year. No new Ogoni refugees arrived in Benin during the year, which has a population of approximately 235 Ogoni refugees. The UNHCR stated that there was "violence, insecurity, and a discrepancy in sharing resources, but it is not directed at the Ogoni", and it is safe for the Ogoni to return.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees through the NCR, its Federal Commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee (on which the UNHCR had observer status), which governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications met in November. The Committee granted 1,983 asylum seekers refugee status; 16 cases were rejected, with 1,124 cases pending at year's end.

There were an estimated 9,000 recognized refugees living in the country. At year's end, 400 refugees were repatriated from the country to Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. The NCR reported that it provided education and health service programs to the refugees. The NCR reportedly also set up micro-credit programs for refugees in the areas of trading, poultry and fish farming, and cassava processing.

The U.N. Commissioner for Refugees in the country announced on June 24 that a refugee camp in Lagos State was holding 2,700 refugees from 5 countries in facilities designed to hold 1,200. One problem resulting from the cramped conditions was an impending population explosion as large numbers of teenage girls were pregnant.

The Government provided temporary protection during the year. In June, the Government agreed to resettle 5,000 Liberian refugees from the Nicla refugee camp in Cote d'Ivoire. Due to deteriorating conditions and voluntary departures at the Nicla camp, 3,000 Liberian refugees were resettled to Ogun state at year's end.

To restore stability to Liberia, the Government provided asylum for Charles Taylor, former President of Liberia, during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic free and fair elections held on the basis of universal suffrage; however, citizens' right to change their government was abridged during National Assembly elections held on April 12 and presidential and gubernatorial elections held on April 19. State assembly elections were held on May 3. Local elections were due to be held in 2002 but were postponed indefinitely again in June.

Voter registration was carried out in 2002, and there were charges that millions of eligible voters were unable to register due to an apparent shortage of registration materials. In addition, there were allegations of improper hoarding of registration materials by politicians. A final voters list, required by law for the elections, was not published. In January police arrested three men allegedly planning to print 5 million fake voter registration cards prior to the presidential and parliamentary elections.

Voters turned out for the legislative elections in much larger numbers than in 1999; however, widespread fraud marred the elections. The turnout was significantly less (under 50 percent) for the presidential and gubernatorial elections, which were also marred by widespread fraud. A total of 31 parties participated in the April 12 National Assembly elections, and 19 parties had

presidential candidates in the April 19 presidential election. The European Union observer mission categorized the presidential elections as extremely poor, stating that in the worst six states, elections effectively were not held, and in the rest of the country the elections were seriously marred. All major independent observer groups, international and domestic, had negative statements about the fairness of elections and cited problems throughout the country. Types of reported fraud included ballot stuffing, intentional miscounting, underage voting, multiple voting, intimidation, and violence, including political killings (see Section 1.a.). There were numerous attempts to kill members of political parties during the election year. There also were several cases of politically-motivated arrests (see Section 1.d.). All parties participated in the misconduct; observers cited violations by the ruling PDP significantly more than others. Some election tribunal cases to adjudicate disputed elections were still ongoing at year's end; however, more than 90 percent of the cases that had been decided were simply dismissed on technicalities.

The President, Vice President, and other national and state officials serve 4-year terms, with limits of two elected terms per office. The next state and national elections are scheduled for 2007.

Actions by the Government's INEC during the election year raised serious rule of law questions. In Federal Court of Appeals hearings on an election tribunal case brought by a losing presidential candidate, INEC argued that it could not provide the court with official documents--such as the National Register of Voters, candidate lists for the election and the vote tally sheets--which the court had subpoenaed. Some of those documents are required by law to be compiled before a general election and not providing those and the others to the court even months after the election also made it appear INEC was ignoring the subpoena.

The Constitution outlaws the seizure of the Government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. Several public officials were scrutinized closely by the press and public and legislative investigators. In August 2002, the House of Representatives introduced a "resign or be impeached ultimatum" to President Obasanjo, but the effort eventually failed. Most of the opposition to the President came from legislators within his own party. In August and September, there was discussion of impeachment of the House Speaker, Bello Masari. In addition to the impeachment threat, public criticism of the President has been frequent and, at times, harsh. The President did not resort to force or intimidation to stifle the impeachment threat or the public criticism against him; however, more than half of the incumbent legislators of the President's party were not renominated for election.

On July 10, Mobile Police detained Anambra State Governor Chris Ngige, forced his resignation, and held him for 5 hours. Ngige, a member of the ruling PDP, allegedly gave Chris Uba, his political godfather, a pre-signed an undated resignation letter. Uba, with the aid of the Deputy Governor Okey Udeh and others, attempted to forcibly remove Ngige from office. On August 7, a seven-member panel convened to investigate allegations of "gross misconduct" by Udeh under the state Constitution. On August 25, the Federal High Court ordered the panel to halt proceedings based on a motion filed by Udeh. The panel ignored the order and submitted its findings to the State House of Assembly. On September 9, the State House of Assembly voted to impeach Udeh. Udeh filed another suit with the Federal High Court claiming that his impeachment was unconstitutional. On September 16, the Anambra State High Court terminated the previous Federal High Court order ceasing impeachment proceedings. On September 20, the Federal Government agreed to abide by the terms of the order pending a ruling from a superior court. Legal proceedings were pending at year's end.

The political system remained in transition. The three branches of the Government acted somewhat independently. The Senate and the House of Representatives acted on budget review and oversight, an election reform initiative, and resource allocation; however, legislative and executive ineffectiveness and inability to compromise resulted in little substantive legislation. There were continued calls for a national conference to reexamine the constitutional and political structure of the country.

In 2001, the President signed an electoral law that extended the tenures of local governments by rescheduling local elections in 2003. State governors and state assemblies contested the provision as an infringement on the states' constitutional power to control local government.

In 2002, the judiciary issued several important constitutional decisions that define federalism based on the rule of law, including that the National Assembly lacked the authority to extend the tenure of local governments and the decision that delimited the distribution of oil revenues.

There are no legal impediments to political participation or voting by women. Men continued to dominate the political arena, and NGOs continued to protest the limited representation of women in the political process. Although there were more than 500 ministerial and National Assembly positions, there were only 3 female ministers, 3 female senators, and 12 female representatives. The PDP waived the party filing fees for women seeking PDP nominations for various political offices to encourage more female candidates.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of President Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating

positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, there were more than 250 ethnic groups, and it was difficult to ensure representation of every group in the Government (see Section 5). Many groups complained of insufficient representation. Middle Belt and Christian officers dominated the military hierarchy. Some persons in the North believe that the northern Hausa were underrepresented in the military.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government's past human rights' record was abundant in various media; however, during the year the Center for Law Enforcement Education (CLEEN) sued the Government in Federal Court over the seizure of more than 2,000 copies of the report "Hope Betrayed? A Report on Impunity and State-Sponsored Violence in Nigeria" in 2002, which the court recognized as a potential human rights violation. At year's end, the court had not heard the case.

Human rights activists continued to complain that President Obasanjo and members of his Government did not meet with them as frequently as they did during the early years of his administration.

The Catholic Secretariat continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels included a number of NGOs, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations by year's end.

The NCR's report from its 2002 fact-finding mission to assess Ogoni living conditions in Ogoniland was pending at year's end.

The ICRC was active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health (see Section 1.c.).

The Commission of Inquiry into Communal Clashes in Benue, Nassarawa, Plateau, and Taraba States completed its investigation, but its report was not made public by year's end. A number of groups continued to call for a full investigation into the 2001 killings of civilians in Benue by soldiers.

The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGOs, and worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired Justice Uche Omo, included 15 other members, and had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC has been denied adequate funding to do its job properly. The NHRC created a strategic work plan for the year and inaugurated steering and coordinating committees for the national action plan to be deposited with the UNCHR in December 2002.

During the U.N. Commission for Human Rights (UNCHR) in March and April, the NHRC was selected to become a member of International Coordinating Committee of National Human Rights Institutions (ICC).

The HRVIC, commonly known as the Oputa panel, was a one-time commission to investigate human rights abuses from 1966 to 1999, presented its findings to the President in 2002 and recommended compensation for victims of the worst human rights abuses; no one was compensated by year's end.

In 2002, Minister of Information and National Orientation, Professor Jerry Gana, reported that the Government would wait for all pending lawsuits, including one filed in 2002 by former Head of State Ibrahim Babangida that sought to ban the implementation of the panels' findings, to be decided before determining whether to publish the panel's recommendations.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion. However, customary and religious discrimination against women persisted, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between citizens and the security forces and between groups of citizens.

#### Women

Domestic violence was a problem. Reports of spousal abuse were common, especially those of wife beating. Police normally

did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group estimated that spousal abuse occurred in 20 percent of adult relationships. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who accused their husbands formally if the level of alleged abuse did not exceed customary norms in the areas. Rape and sexual harassment continued to be problems.

Studies conducted by the U.N. development systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. While practiced in all parts of the country, FGM was more predominant in the southern and eastern zones, and local experts estimated the prevalence may be as high as 100 percent in some ethnic enclaves in the south. Women from northern states were less likely to undergo FGM; however, those affected were more likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child. Women's Center for Peace and Development (WOPED) believed that the practice was perpetuated because of a cultural belief that uncircumcised women were promiscuous, unclean, unsuitable for marriage, physically undesirable, and were potential health risks to themselves and their children, especially during childbirth.

The Federal Government publicly opposed FGM; however, it took no legal action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and local government area (LGA) level. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice; however, they had limited contact with health care workers on the medical effects of FGM.

Prostitution was a serious social problem, particularly in urban areas. A number of states enforced existing laws or introduced laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution, and this ban was enforced with varying degrees of success. Prostitution was not illegal in Lagos State; however, authorities used statutes that outlaw pandering as a justification to arrest prostitutes.

There was an active market for trafficking in women (see Section 6.f.).

In some parts of the country, women continued to be harassed for social and religious reasons. Purdah continued in parts of the far north (see Section 1.f.).

Women also experienced considerable discrimination. There are no laws barring women from particular fields of employment; however, women often experienced discrimination because the Government tolerated customary and religious practices that adversely affected them. The Nigerian NGOs Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

While some women made considerable individual progress both in the academic and business world, women remained underprivileged. Although women were not barred legally from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows were subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the East. Confined widows were under restrictions for as long as 1 year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights. An NGO reported that several women have succeeded in protecting their right in Shari'a courts. Polygyny continued to be practiced widely among many ethnic and religious groups. Women were required by law to obtain permission from a male family member to get a passport (see Section 2.d.).

Women were affected to varying degrees by the adoption of various forms of Shari'a law in 12 northern states. In Zamfara State, local governments instituted laws requiring the separation of Muslim men and women in transportation and health care. In practice, the testimony of women was not given the same weight as that of men in many criminal courts (see Section 1.e.).

#### Children

While the Government increased spending on children's health in previous years, it seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, "when practical," to provide free, compulsory, and

universal primary education; however, compulsory primary education rarely was provided. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted many families' ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. The literacy rate for men was 72 percent but only 56 percent for women. Rural girls were even more disadvantaged than their urban counterparts--only 42 percent of rural girls were enrolled in school compared with 72 percent of urban girls. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools.

While most schools in the north traditionally have separated children by gender, it was required by law in Zamfara, Sokoto, and Kebbi State schools (see Section 2.c.).

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.d. and 6.f.). The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the North, and attributed the increase to a fear of AIDS and a resulting desire for young virgins.

FGM was commonly performed on girls (see Section 5, Women).

#### Persons with Disabilities

While the Government called for private business to institute policies that ensured fair treatment for persons with disabilities, it did not enact any laws during the year requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of persons with disabilities to work. The Government ran vocational training centers in Abuja to provide training to beggars with disabilities.

#### National/Racial/Ethnic Minorities

The country's population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which comprised two-thirds of the country's population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt.

The Constitution prohibits ethnic discrimination by the Government. Nonetheless, claims of marginalization, particularly by members of southern minority groups and Igbos, continued; in particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups (see Section 2.c.).

Ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom States, have claimed environmental degradation and government indifference to their status in the Delta despite the fact that most of oil wealth comes from the Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area (see Sections 1.a. and 1.b.). Other ethnic groups saw the Kaiama Declaration by Ijaws, which claimed the entire Delta to be the property of the Ijaw, as threatening their rights. Disparate organizations of armed youths from a variety of ethnic groups continued to take oil company personnel hostage in the Delta Region (see Section 1.b.). Many oil companies continued to rely on local police and, in some cases, military troops to protect their facilities and personnel. The oil companies usually financially supported these security forces. Local youths claimed that the security personnel engaged in unlawful killings and other human rights abuses (see Section 1.a.).

Tensions flared in March with attacks on oil production facilities near Escravos, Delta State, and kidnappings of oil company personnel by Ijaw youths. The practice of bunkering, the diversion of oil production to the black market by all parties in the conflict, occurred frequently. Approximately 15 percent of the country's total yearly production was shutdown as a result of the violence initiated by Ijaw youths. Inter-ethnic fighting also displaced tens of thousands of local inhabitants. Violence ended in the region in April; however, hostilities renewed in August and continued at year's end.

On March 14, Ijaw militants involved in the theft of oil from pipelines and based in the Delta State community of Okenrenkoko



clashed with military personnel. The military claimed it was responding to an armed threat from criminals; Ijaw communities accused the military of provoking hostilities through a premeditated attack. The violence led to the death of several soldiers, at least 10 Ijaw militants, and possibly some Ijaw civilians. Ijaw communities claimed that the military attacked Okenrenkoko, destroyed several homes and killing several villagers.

On April 11, approximately 200 Ijaw militants in speedboats raided the Itsekiri town of Koko, Delta state and reportedly killed 50 persons. The Ijaw militants destroyed more than 55 buildings, including the Koko Local Government building.

On August 13, fighting broke out in Warri town between rival Ijaw and Itsekiri militants. The local Red Cross reported that military efforts to quell the fighting, which lasted more than 7 days, resulted more than 100 deaths, civilian and combatant. The Government had not restored order in the region by year's end.

Competing economic aspirations among smaller ethnic groups related to the control of state and local governments led to violent conflicts during the year.

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were thought to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the "indigenous" ethnic groups despite the fact that they predominate in much of Benue and parts of other states.

Violence between Fulani herdsmen and farmers in Adamawa State lasted for 2 weeks in March, resulting in as many as 110 deaths, and 21,000 displaced from their homes.

Communal violence between members of the Ogori and Ekpodo ethnic groups in Kogi and Edo states began over boundary and land disputes. On July 2, Ogori youths from Kogi reportedly attacked Ekpodo villages near Agenebode, Edo, burning 99 houses. On July 20, Ekpodo youths killed and mutilated an Ogori community leader visiting an Ekpodo village to discuss the dispute in retaliation. Kogi and Edo state governors declared the disputed land a "buffer zone," and the matter has been referred to the National Boundary Commission.

Communal violence occurred in Plateau State, resulting in more than 80 deaths during the year as local communities continued to compete for scarce resources. The State Government reported that criminals and hired mercenaries from other areas of the country, Chad, and Niger added to the violence after being hired and induced by some communities to attack rival villages in the state. For example, 65 persons were killed in April, a village chief was killed by bandits in May, and 3 persons were killed in June and 15 more in July.

The violent border dispute in the east between Cross River and Akwa Ibom States flared during the year. Communal violence abated between Jukun-Kuteb (Taraba State). Ife-Modakeke, Osun state experienced renewed communal violence, but was diminished in nature compared with previous incidents.

There were no developments in previous years' incidents of ethno-religious violence.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and workers exercised this right in practice; however, several statutory restrictions on the right of association and on trade unions remained in effect.

According to figures provided by the National Labor Congress (NLC), total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of small number of workers engaged in commercial food procession, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

The Government has mandated a single-labor-federation structure for workers, with service and industrial unions grouped under it. The NLC was the only central labor federation permitted by law. Trade unions are required to be registered formally by the Government and a minimum 50 workers are required to form a trade union; only 29 trade unions had been formally recognized by the Government at year's end. The labor movement was composed of both junior and senior staff workers; however, nonmanagement senior staff members were barred from joining the trade unions while junior staff workers, primarily the blue-collar workers, were organized into the 29 industrial and service unions that were affiliated with the NLC.

The senior staff workers were organized into 21 associations that comprised the Trade Union Congress (TUC), which claimed a membership of approximately 400,000 to 600,000. The TUC, which was composed primarily of white-collar workers, was not officially sanctioned by the Government and was prohibited by statute from affiliation with the NLC; it was also denied a seat on the National Labor Advisory Council (NLAC). These legal restrictions diluted the bargaining strength of workers. The ILO

Committee of Experts has repeatedly cited these and other restrictions, including: requiring all registered labor unions to affiliate with a single central labor federation (the NLC); establishing a minimum of 50 workers to form a trade union; providing for the possibility of compulsory arbitration; giving the registrar broad powers to supervise trade union accounts; and giving the Government discretionary power to revoke the certification of a trade union due to overriding public interests.

Several labor associations disassociated themselves with the TUC following complaints that the TUC had misled its constituents during the gasoline price strike in June. At least 8 of the TUC's 29 associations left it to form the Congress of Free Trade Unions (CFTU).

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, federal mint, central bank, and the telecommunications sector. Employees working in designated export procession zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

The Maritime Workers Union was active at year's end.

The Constitution prohibits anti-union discrimination, and there were no reports of such practice. Complaints of anti-union discrimination could be brought to the Ministry of Labor for mediation, conciliation, and resolution.

The NLC and labor unions were free to affiliate with international bodies; however, prior approval from the Minister was required. The NLC had affiliated with the Organization of African Trade Unions and the International Confederation of Free Trade Unions.

#### b. The Right to Organize and Bargain Collectively

The labor laws provide for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). Union officials questioned the effectiveness of the NIC in view of its inability to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders criticized the arbitration system's dependence on the Labor Minister's referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active; however, both suffered from a lack of resources.

Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike. A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government. The law allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the NIC. However, in practice the law does not appear to be enforced; strikes, including in the public sector, were widespread.

In January, the Academic Staff Union of Universities (ASUU) commenced a 6-month strike to protest, among other things, the nonpayment of research allowances and the nonimplementation of an agreement reached in 2001 to re-admit 49 dismissed lecturers of the University of Ilorin who had previously participated in a strike. ASUU suspended the strike on June 18 following the intervention of the IAP.

On March 31, the NLC directed all public sector employees to commence a 3-day warning strike to protest federal government refusal to pay an agreed upon 12.5 percent salary increase (see Section 6.e.). The strike followed the expiration of a 2-week ultimatum. Organizers called off the strike on April 1 after the Government agreed to prepare a supplementary budget the National Assembly to accommodate salary increases.

On June 30, NLC, joined by senior staff associations under the umbrella of the TUC, commenced a nationwide strike action to protest increases in gas prices. In the 10-day national strike, there were 18 confirmed killings of protestors by security forces. Security forces forcibly dispersed several demonstrations, arrested union leaders, and brutalized a journalist in Abuja. The strike was suspended following an agreement reached between government and labor leaders.

During the year, the Medical and Health Workers Union went on strike for 3 days regarding salary increases and payments of other allowances. They reached an agreement with the Ministry of Health, resolving the issue.

The Anambra State Government reached an agreement with public sector unions on the modalities for the payment of outstanding arrears during the year. The Government paid several months arrears; however, salaries were in arrears again at year's end. The state civil service was nearly paralyzed as many workers declined to work until salary arrears were paid.

During the year, smaller strikes continued in the oil sector, particularly in the Niger Delta. The National Union of Petroleum and Natural Gas Workers (NUPENG) and its senior staff counterpart Petroleum and Natural Gas Senior Staff Association of Nigeria

(PENGASSAN) were particularly concerned about the increasing use of contract labor and the number of indigenous workers in management positions. On February 15, NUPENG and PENGASSAN branch units in Chevron and Shell staged warning strikes that lasted 5 days to protest an alleged plan to severely cut jobs and replace indigenous employees with third country nationals.

There were no developments in the following 2002 strikes: the January general strike protesting the Government's 15.3 percent fuel price hike; the February police strike demanding payment of 1-year's wage arrears; the May strike by the Nigerian Union of Railwaymen (NUR) over the nonpayment of 3 months' salary; and the July strike by the Lagos State Truck Owners Association, Port Harcourt dockworkers, and Shell (SPDC) contract workers.

There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to IAP, with the approval of the Labor Ministry. The IAP's decisions were binding on parties but could be appealed to the NIC. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

On October 3, the Inspector-General of Police in Abuja called President of the NLC Adams Oshiomhole in for questioning following a 3-hour meeting in Lagos on how to mobilize against higher fuel prices. Later in the month, as the fuel price crisis deepened, six leaders of the NLC were arrested as they picketed filling stations selling gasoline at above the official price. The leaders were detained and refused bail for 1 week.

The Government retained broad legal authority over labor matters and often intervened in disputes seen to challenge key political or economic objectives. However, during the year, the NLC increasingly spoke out on economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

EPZs in Calabar, Cross River State, and Onne Port, Rivers State, operated during the year. Workers and employers in these zones were subject to national labor laws, which provided for a 10-year amnesty on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition, the law allows the EPZ Authority to handle the resolution of disputes between employers and employees instead of workers' organizations or unions. The ILO has criticized the EPZ Decree for not allowing any unauthorized person to enter any EPZ consequently making it very difficult for workers to form or join trade unions since union representatives are not allowed access.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor; however, there were reports that it occurred (see Section 6.f.), and enforcement of the law was not effective.

The Government does not prohibit specifically forced and bonded labor by children; however, the prohibition on forced labor extends to children. There were reports such practices occurred (see Section 5 and 6.d.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age of 13 under specific conditions.

Economic hardship resulted in high numbers of children in commercial activities aimed at enhancing meager family income. The ILO estimated that approximately 12 million children between the ages of 10 and 14 (25 percent of all children) were employed in some capacity. Children frequently were employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants was common.

There were reports of forced child labor (see Section 6.f.). There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries.

The Labor Ministry had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. However, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, in which the incidence of child labor was not significant.

Private and government initiatives to stem the growing incidence of child employment continued but were ineffective. UNICEF operated programs that removed young girls from the street hawking trade and relocated them to informal educational settings. UNICEF reported that the program had minimal success. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation; however, the program did not show any results by year's end due to logistical problems and changing personnel in the Ministry. A child rights bill was passed by the legislature during the year; however, there were no noticeable changes by year's end. ILO statistics indicated that the

incidence of child labor is still on the increase, in spite of programs designed to reduce it.

#### e. Acceptable Conditions of Work

The law sets a minimum wage, which was reviewed infrequently. Real private sector wages greatly exceeded the minimum wage. The minimum wage was \$56.70 (7,500 naira) per month (with a 13 month year as the law mandates an extra month's pay for the Christmas holiday). Ghost workers (who appeared on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. The Government directed each State administration to establish its own salary structure based on its ability to pay and in accord with the national minimum wage; however, in August, the Government and the NLC signed an agreement to increase the public sector wage by up to 12.5 percent for junior grades, representing half of the 25 percent earlier agreed upon. Many state governments have stated they are not in a position to pay the increase without massive layoffs or the elimination of ghost workers. The issue of the minimum wage caused several labor disruptions throughout the year, and remained unresolved in several states (see Section 6.b.).

In September, the Government announced an agreement to implement sliding scale wage increases for all federal civil servants retroactive to July 1, under which the lowest paid workers would receive the 12.5 percent increase while those at the top would get 4 percent; however, this increase had not been paid by year's end.

The law forbids any employer from granting a general wage increase to its workers without prior government approval; however, in practice private sector wage increases generally were not submitted to the Government for prior approval.

The law mandates a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay, except for agricultural and domestic workers. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the factory division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards; however, this agency was greatly underfunded, lacked basic resources and training, and consequently neglected safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Ministry often failed to reimburse inspectors for expenses incurred in traveling to inspection sites, and safety oversight of many enterprises often were neglected. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which was charged with enforcement of these laws, has been ineffective in identifying violators. The Government has failed to act on various ILO recommendations to update its program on inspection and accident reporting. The Labor Decree did not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

The law applies to legal foreign workers; however, in practice, not all multinational companies respected these laws in practice.

#### f. Trafficking in Persons

On July 14, President Obasanjo signed a bill into law prohibiting human trafficking; however, trafficking in persons remained a problem. The country was an origin, transit, and destination country for trafficked persons, with an active, growing market for trafficking in women and children within the region and to Europe. The July law also created the National Agency for Prohibition of Trafficking in Persons (NAPTIP), which was active at year's end. President Obasanjo selected a Special Assistant for Human Trafficking and Child Labor in June.

The National police have an anti-trafficking unit, and official anti-trafficking units have been created in all 11 states. Immigration has anti-trafficking units as well. Many states that arrest traffickers were forced to release them when victims and their families refused to testify. The Government prosecuted only a few persons for trafficking during the year.

On September 28, immigration officers arrested 6 suspects in a child trafficking syndicate and repatriated 116 Beninois boys. The boys, aged 5 to 17 years, had been trafficked to work in a quarry in Ogun State. The U.N. reported that the boys' families were promised annual fees of \$36.42 and other gifts in return for their labor. Once in the country, the boys suffered poor working conditions, were inadequately fed, and given salaries of \$1.56 per month. Some of the boys had been held against their will for up to 5 years. The traffickers were awaiting trial at year's end. Approximately 380 children were repatriated to Benin during the year.

There were no developments in the 2002 cases against a high chief who since has been stripped of his title, the trafficker arrested for trafficking 10 teenage girls, the 30 trafficking cases pending in Edo State; or the reported 2001 cases of trafficking.

The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe continued to report a steady flow of Nigerian women lured and sold into prostitution in Europe, particularly Italy, the Netherlands, and Spain. In September, 562 trafficking victims had been deported to the country since the beginning of the year; over the past 3 years, 1,660 persons were returned to the country from Europe and North America. Nigerian Interpol claimed that some women entered the sex trade independently, were not controlled by syndicates, and were economically motivated. Numerous human rights organizations claimed a majority of women entered the sex trade independently, were controlled by syndicates, were economically motivated, and were culturally pressured to do so to provide for families back home. These groups further claimed that the sex trade was inculcated into the culture and was an acceptable social practice for many young women; although, most women were unaware of the conditions in which they would be placed. However, several women's rights organizations reported

that hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many were forced into prostitution to pay off debts. In addition, there was evidence that crime syndicates may use indebtedness, secret rituals, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into and practicing sex work from attempting to escape or from contacting police and NGOs for assistance.

Nigerian girls are also reported to be trafficked to the United Kingdom as sex workers; however, the trade to the United Kingdom was reportedly less than that to other European countries.

Incidents of child trafficking in Lagos and other major cities during the year were suspected to be commonplace. Unlike in the previous year, there were no confirmed reports of smuggling children to the U.S. during the year. Child traffickers received a monthly payment from the employer, part of which was to be remitted to the parents of the indentured child servant. Traffickers took advantage of a cultural tradition of "fostering," under which it was acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement. Often the children in these situations only worked and did not receive any formal education; however, many families who employed children as domestic servants also paid their school fees. Other children were forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sold their daughters into marriage as a means of supplementing their income (see Section 5).

According to ILO reports, there was an active and extensive trade in child laborers. Some were trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children were coerced into prostitution (see Section 5). Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of the country and some southern states such as Cross Rivers and Akwa Ibom were the points of trafficking of children for labor and, in some cases, human sacrifice. The country remained a destination for the trafficking of Togolese children.

Children from neighboring countries also were trafficked to the country for work as domestic servants.

The Government has conducted few investigations into the involvement of government officials in trafficking; however, allegations of such involvement reportedly were widespread. Some returnees have alleged that immigration officials actively connived with syndicates. In 2002, the Assistant Inspector General of Police investigated allegations of the collusion of customs officials in trafficking; however, there were no reports and investigation continued during the year. In 2002, the Government announced it was investigating a former customs officer and two others suspected of trafficking children in Abuja.

The Government provided support to international NGOs, which protect victims. Nigerian embassies in destination countries provided assistance to victims, and the Foreign Ministry created a position to facilitate victim repatriation. Regional centers to monitor child rights violations have been established.

There was federal and state government acknowledgement of trafficking, and prevention efforts were underway at all levels. Awareness campaigns, undertaken by NGOs, the U.N., prominent politicians, state governments, and members of the press continued to gain widespread attention. The issue of trafficking in persons for commercial sexual exploitation to Europe initially raised the awareness of trafficking, and the awareness of child trafficking for forced labor was growing. For example, Imo State continued to promote a comprehensive anti-trafficking campaign.

Police attempts to stem the trafficking of persons were inadequate, and frequently the victims of trafficking were subjected to lengthy detention and public humiliation upon repatriation.